

RESOLUTION NO. 2021-28

FINAL RESOLUTION TO LEVY SPECIAL ASSESSMENTS  
UNDER MUNICIPAL POLICE POWER PURSUANT TO  
SECTION 66.0703, STATS.

WHEREAS, on or about October 12, 2021, the Village Board of the Village of Fox Point adopted a preliminary resolution declaring its intent to levy special assessments with regard to the public work and improvements and Assessment District described herein; and

WHEREAS, the public work and improvements at issue are described as follows:

Certain replacement of lead water lateral lines which serve properties in the Village of Fox Point. This work arose in conjunction with certain utility work conducted by the Village of Fox Point, but the cost of the utility work will not be assessed, only the costs attributable to the lead water lateral lines will be assessed.

WHEREAS, the property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT

The assessment district includes all of the following properties in the Village of Fox Point:

1. 6427 North Santa Monica Boulevard
2. 6429 North Santa Monica Boulevard
3. 6435 North Santa Monica Boulevard
4. 6445 North Santa Monica Boulevard
5. 8330 North Regent Road

WHEREAS, the Village Board of the Village of Fox Point finds that the assessments described in the report of the Village Director of Public Works to be just and reasonable and the amount of the assessments does not exceed the benefits to the property owners in the Assessment District; and

WHEREAS, property owners within the Assessment District have waived special assessment notices and hearings in this matter, pursuant to written waivers that have

been received by the Village of Fox Point Village Clerk or have been given proper notice of the hearings for the work subject to special assessment; and

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, DO HEREBY RESOLVE as follows:

SECTION 1: FINAL ASSESSMENTS.

1. The report of the Village Director of Public Works, a copy of which is on file in the office of the Village Clerk and incorporated by reference herein as if fully set forth herein, is adopted and approved.
2. The Village Director of Public Works, if not previously done, shall advertise for bids and supervise construction of the improvements in accordance with the report hereby adopted.
3. Payment for the improvements shall be made in part by assessing the properties benefitted as indicated in the Village Engineer's report, within the Assessment District described herein.
4. Assessments shown on the Village Engineer's report represent an exercise of the Village police power and have been determined on a reasonable basis and are hereby confirmed in the amounts shown in the report.
5. The assessments shall be paid in cash. All assessments which are not paid by November 24<sup>th</sup> in the year in which they come due shall be extended upon the tax roll as a special assessment and collected in the same manner as real estate taxes.
6. If a tax certificate is issued under Wisconsin Statutes Section 74.57 for property that is subject to an installment payment obligation, the Village Board may provide that the amounts of any such unpaid special assessment are due on the date that the tax certificate is issued and are payable as are other delinquent special assessments for any money received under Wisconsin Statutes Sections 75.05 or 75.36.
7. The Village Clerk shall publish this resolution as a Class 1 notice under Chapter 985, Wisconsin Statutes, and mail a copy of this resolution and a statement of the final assessment against the benefitted property together with notice of installment payment privileges to the owners of every property that appears in the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

SECTION 2: SEVERABILITY.

The several sections of this resolution are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This resolution shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 9<sup>th</sup> day of November, 2021.

VILLAGE OF FOX POINT

  
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Douglas H. Frazer, Village President

ATTEST:

  
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Kelly A. Meyer, Village Clerk

Published and/or posted this 11<sup>th</sup> day of November, 2021.